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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESHANE J. HOLMES,

Plaintiff,

No. CIV S-04-2377 JKS EFB P

vs.

STEVE PONCE, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff is a former state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On February 13, 2009, the postal service returned mail directed to plaintiff as undeliverable.

A party appearing without counsel must keep the court and all parties apprised of his current address. L.R. 83-183(b). If mail directed to such a plaintiff is returned by the postal service and plaintiff fails to notify the court and opposing parties within 60 days thereafter of his current address, the court may dismiss the action without prejudice for failure to prosecute. *Id.*

More than 60 days have passed since the postal service returned the mail and plaintiff has not notified the court of his current address. Accordingly, it is hereby RECOMMENDED that this action be dismissed.

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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: April 23, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE